

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

EARL J. KUNASEK
COMMISSIONER



0000000345

ARIZONA CORPORATION COMMISSION

DATE: JULY 18, 1995

DOCKET NO: E-1051-95-112

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer SCOTT S. WAKEFIELD . The recommendation has been filed in the form of an Order on:

U S WEST COMMUNICATIONS, INC. (COMPLAINT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

JULY 28, 1995

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 8, 1995 and AUGUST 9, 1995

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.

A handwritten signature in cursive script that reads "James Matthews".
James Matthews
EXECUTIVE SECRETARY

JM
Enc.
cc: ALL PARTIES

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 RENZ D. JENNINGS
CHAIRMAN
3 MARCIA WEEKS
COMMISSIONER
4 CARL J. KUNASEK
COMMISSIONER

5 EMG INTERNATIONAL RESOURCES)
6 CORPORATION,)

DOCKET NO. E-1051-95-112

7 COMPLAINANT,)

DECISION NO. _____

8 VS.)

9 U S WEST COMMUNICATIONS, INC.)

10 RESPONDENT.)

ORDER

11 Open Meeting
12 August 9, 1995
Phoenix Arizona

13 **BY THE COMMISSION:**

14 **FINDINGS OF FACT**

15 1. On March 28, 1995, EMG International Resources Corporation ("EMG") filed with the
16 Arizona Corporation Commission ("Commission") a Complaint against U S West Communications,
17 Inc. ("USW").

18 2. On April 18, 1995, USW filed its response to EMG's complaint denying the allegations
19 contained there, and requested that the Commission dismiss the Complaint with prejudice.

20 3. On April 20, 1995, the Commission set the above-captioned matter for hearing on May
21 18, 1995.

22 4. On May 18, 1995, prior to the start of the hearing, EMG and USW filed a Joint
23 Stipulation to Continue Hearing ("Stipulation") for at least 30 days to allow the parties sufficient time
24 to resolve the above-captioned matter.

25 5. On May 19, 1995, the Commission continued the hearing until July 11, 1995.

26 6. On July 11, 1995, EMG filed a motion requesting that the above-captioned matter be
27 dismissed with prejudice because EMG has obtained the relief it originally requested.

28 . . .

CONCLUSIONS OF LAW

1. USW is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. § 40-246.

2. The Commission has jurisdiction over the parties hereto and of the subject matter of the Complaint.

3. EMG's motion to dismiss is well taken and should be granted.

ORDER

IT IS THEREFORE ORDERED that the Complaint filed on March 28, 1995 by EMG International Resources Corporation against U S West Communications, Inc. be, and hereby is, dismissed with prejudice.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 1995.

JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT
SSW:dap

1 SERVICE LIST FOR:

EMG INTERNATIONAL RESOURCES
CORPORATION V. U S WEST COMMUNICATIONS,
INC.

2
3 DOCKET NO.:

E-1051-95-112

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